

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

CARLOS CHACON,
Plaintiff

V.

THE CITY OF AUSTIN TEXAS,
OFFICER ERIC COPELAND and
OFFICER RUSSELL ROSE,
Defendants

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Case No. 1:12-CV-226-SS

DEFENDANTS ROSE'S AND COPELAND'S NOTICE OF INTERLOCUTORY APPEAL

TO THE HONORABLE SAM SPARKS, UNITED STATES DISTRICT JUDGE:

Notice is hereby given that Defendants, Russell Rose and Eric Copeland, appeal to the United States Court of Appeals for the Fifth Circuit, from the Order entered by the district court on May 21, 2013, denying summary judgment, based upon Defendants' entitlement to the affirmative defense of qualified immunity for claims brought against them under 42 U.S.C. §1983. This appeal is filed pursuant to Rules 3 and 4 of the Federal Rules of Appellate Procedure, and pursuant to 28 U.S.C. § 1291, under the collateral order doctrine.

Defendants Rose and Copeland will be the appellants in the appeal before the United States Court of Appeals for the Fifth Circuit.

RESPECTFULLY SUBMITTED,

KAREN M. KENNARD, CITY ATTORNEY
MEGHAN L. RILEY, CHIEF, LITIGATION

\s\ Christopher Coppola

CHRISTOPHER COPPOLA

Assistant City Attorney

State Bar No. 24036401

City of Austin-Law Department

Post Office Box 1546

Austin, Texas 78767-1546

(512) 974-2161

(512) 974-1311 [FAX]

ATTORNEYS FOR DEFENDANTS

CERTIFICATE OF SERVICE

This is to certify that I have served a copy of the foregoing *Defendants Rose's and Copeland's Notice of Interlocutory Appeal* on all parties, or their attorneys of record, in compliance with the Federal Rules of Civil Procedure, this 12th day of June, 2013.

Via electronic filing system of the Court:

Broadus A. Spivey

Law Offices of Broadus A. Spivey

48 East Avenue

Austin, TX 78701

Via Regular U.S. Mail:

Richard C. Fry

48 East Avenue

Austin, TX 78701

\s\ Christopher Coppola

CHRISTOPHER COPPOLA